

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

MONTY C PEPPER

plaintiff

v

THOMAS CARROLL

BAMBI THOMAS

THOMAS SEACORD

JAMES GARDELS

defendants

C.A. No. 05-084-JJF

FILED
FEB 17 11 47 AM '06
CLERK, U.S. DISTRICT COURT
DISTRICT OF DELAWARE

PLAINTIFFS MEMORANDUM of FACT AND BRIEF

IN OPPOSITION TO DEFENDANTS MOTION TO DISMISS/ SUMMARY JUDGEMENT

Now Comes Plaintiff on This day February 13 2006

Plaintiff puts forth the following memorandum of facts to support the plaintiffs complaints DI 2 DI 7 DI 8 DI 12 DI 25 Where the Plaintiff

being refused added access to Law Library as put forth in affidavit Exhibit AA and further can not file a complete response there for Plaintiff attacks

the Defendants motion as best as he can. As to original complaints Plaintiff followed directions Exhibit BB and with restrictions as to a mail system

no face to face meetings with Law aids This impeded

As to the extra time Plaintiff puts forth Exhibit CC

This is the only extra time plaintiff has ever received

Defendants will contend that Plaintiff had and

fired and later was appointed counsel Each of

the attorneys Beth Saritz failed in effectiveness

As Exhibit DD shows in no 5 of motion and her

dismissal but This took some 4 month where Plaintiff attempted To gain Legal knolage and as per complaint failed To gain meaningfull access To The law . in february 1 2005 Plaintiff appointed new counsel This was From public Defenders office Sheryl Rush milstead who again failed To be effective as Plaintiff Filed motion 61 where not only did she fail To with draw plea but failed To fallow Superor Court Crim. Rule 32 (b) and (3) under Pre sentence Reports as well as failure To object To sentence increase and object To States Failure To fulfill Sentence agreement To recommendation as well as investigating abuse of search warrant where dective questioned my Plaintiff 9 year old son Plaintiff was not under arrest This was not questioning For Wellbeing but investigative questioning That was Far outside of The scope of The warrant Also dealing and The "Plaintiff" in The Criminal case is not Telling The Truth yet The state refuses To put her on a lie detector . Both counsels would not in form Plaintiff of legal rules or laws pertaining To his charges Both counsels were aware of my situation and abuses in DCC as well as letters To Judge Vaught which Plaintiff has requested (Exhibit I) Furthe because The Plaintiff is unable To supply The Court with a full response Plaintiff will show copys of handwritten case law and copy's of Letters That need To be raised and others That are copys

State of Delaware)
) SS.
 County of New Castle)

Affidavit of: Monty Pepper
 Dated: Feb 13 2006

AFFIDAVIT

Plaintiff I, Monty Pepper, being first duly sworn deposes and says that the foregoing statement is a true and correct observation of what occurred on the above date herein at/in Law Library located in the Delaware Correctional Center, Smyrna, Delaware, in that I was a part of or witnessed the incident described herein. I would clearly state under penalty of perjury of the laws of the State of Delaware.

It is 9:50 am I got to Law Library at 7:30 am at 7:50 am I was allowed to receive Law books at 8:20 I had to turn my law books in then at 9:50 allowed to check books out again will not be able to check books out again until after lunch at 11:45 returned at

now can check out other needed books and can get photo copys of only personal case being sent to court only no case law no copy of pages of law or case law all case law has to be hand copied shown in (Exhibit .) I Plaintiff Dates and Times every thing I copy will not get copys after 1:30 pm only after lunch until 1:30

Plaintiff was refused extra time when plaintiff received Defendants answer on January 26 2006 Time was given on Friday Feb 9 2006 Monday Feb 13 and 2 hours on Feb 14 2006 Today February 15 2006 is Deadline under Fed Civil Rules Summary Judgement 56

Affiant

Signature

Print Name

Monty Pepper
 Delaware Correctional Center
 Smyrna, Delaware 19977

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 2006

My Commission Expires:

Notary Public

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

(Rev. 5/05)

Instructions for Filing a Complaint by a Prisoner
Under the Civil Rights Act, 42 U.S.C. § 1983

To start an action you must file an original and one copy of your complaint for the Court's use, and an additional copy for each defendant that you name. If you name a defendant who is employed by the State of Delaware, you must provide an additional copy of the complaint for service on the Attorney General. For example, if you name two defendants, you must file an original signed complaint, along with four identical copies. You should also keep an additional copy of the complaint for your own records. If you later request copies of documents previously filed in your case, you will be required to prepay the Clerk of Court for such copies.

The original signed complaint must be legibly handwritten or typewritten. Copies of the complaint may be provided in the form of photocopies of the original, or may also be exact hand or typewritten copies. You, as plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space to answer a question, you may attach supplemental pages to the complaint. **All copies of the complaint must be identical to the original and include all supplemental pages.** Note that you are required to give facts. The complaint **SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS.**

Your complaint can be brought in this Court only if one of the named defendants is located within this district. Furthermore, you must file a separate complaint for each claim that you have unless all of your claims are related to the same incident or issue.

In order for your complaint to be filed by the Clerk's Office, it must be accompanied by the filing fee of \$250.00. In addition, the United States Marshal will require you to pay the cost of serving the complaint on each of the defendants. If you are unable to prepay the filing fee and service costs for this action, you may petition the court to proceed *In Forma Pauperis*, by submitting an Application to Proceed Without Prepayment of Fees (AO Form 240).

When/if the Court orders service of your complaint by the U.S. Marshal, you will **then** be required to provide a completed **U.S. Marshal 285 form** for each person you have named as a defendant, and for the Attorney General if you have named State of Delaware defendants. If you fail to supply a U.S. Marshal 285 form for a defendant, that defendant cannot be served with process and may be dismissed from the case.

On March 1, 2005, the United States District Court for the District of Delaware adopted an electronic filing system which makes documents submitted for filing available on the internet. Certain kinds of personal information should not be included on public filings except in limited fashion. For example: (1) the names of minor children should not be used, only their initials; (2) only the last four digits of a social security number should be used; (3) a full date of birth should not be used, only the year of birth need be given; and (4) only the last four digits of any financial account should be included. Caution should also be used when filing documents that contain the following: (1) personal identifying numbers, such as driver's license numbers; (2) medical records; (3) employment history; (4) individual financial information; (5) proprietary or trade secret information; (6) information regarding cooperation with the government; (7) victim information; and (8) national security information.

EXHIBIT (1)

BB

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff Monty C Pepper
 Address Delaware Correctional Center 1181 Paddock Road
SMYRNA Delaware 19977

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and place of employment of any additional defendants.)

B. Defendant Warden Thomas Carroll is employed as Warden
at Delaware Correctional Center

C. Additional Defendants Jane & John Doe's officers
will seek adments

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

1# "Legal Calls" I requested legal calls from
OCT 14 04 up untill Nov 17 04 I requested a minimum
of 20 Times I was Refused legal call forms
again in Dec I Requested more about 10+ calls
through 16th again I was Refused I was Told my attorney didn't
want To Talk To me . This was Told To me by

(Exhibit CC)

DCC Main Law Library

SPECIAL LAW LIBRARY APPOINTMENT

TO: Education C/O; Housing Unit Security

RE: Inmate Pepper, Monte 156970 D/W
 (Name) (SBI Number) (Housing Unit)

Please release the above named inmate for the following Special Law Library appointment(s) to satisfy a validated or documented court deadline.

Monday	<u> </u> / <u> </u> / <u> </u>	0730	1030	1630
Tuesday	<u>02/14/06</u>	<u>0730</u>	1030	1630
Wednesday	<u> </u> / <u> </u> / <u> </u>	0730	1030	1630
Thursday	<u> </u> / <u> </u> / <u> </u>	0730	1030	1630
Friday	<u> </u> / <u> </u> / <u> </u>	0730	1030	1630

Appointments can only be approved by:

Mackinnon Young
 Edward Johnson
 Melissa Stiller
 Francene Kobus

Signed: Edward Johnson
 Date: 2/13/06

cc: Housing Unit Security
 Inmate
 C/O Education Building
 File

Exhibit (2)
CC

DCC Main Law Library

SPECIAL LAW LIBRARY APPOINTMENT

TO: Education C/O; Housing Unit Security

RE: Inmate Monty Pepper 156920 D/W
 (Name) (SBI Number) (Housing Unit)

Please release the above named inmate for the following Special Law Library appointment(s) to satisfy a validated or documented court deadline.

		Books out 8:30	Books in 9:30	
Monday	<u>02/13/06</u>	<u>0730</u>	<u>1030</u>	1630
Tuesday	<u> / / </u>	0730	1030	1630
Wednesday	<u> / / </u>	0730	1030	1630
Thursday	<u> / / </u>	0730	1030	1630
Friday	<u>02/10/06</u>	<u>0730</u>	<u>1030</u>	1630

Appointments can only be approved by:

Mackinnon Young
 Edward Johnson
 Melissa Stiller
 Francene Kobus

Signed: Edward Johnson
 Date: 2/9/06

cc: Housing Unit Security
 Inmate
 C/O Education Building
 File

discharge the undersigned as his counsel.

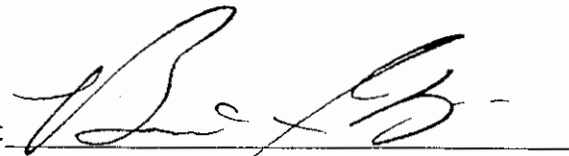
4. Today, the undersigned spoke to the Defendant via "video-phone" from Delaware Correctional Center through the use of the "video-phone" equipment at the Office of the Public Defender.
5. During this conversation, Defendant raised certain psychological and issues which he believed made him unable to fully comprehend the guilty plea which he entered in August.
6. Defendant further raised issues as to the representation of him by the undersigned and indicated that he no longer wished to be represented by the undersigned.
7. Sentencing has not yet taken place and is scheduled for this Thursday, October 14, 2004 at 9:00 a.m. It is the undersigned's belief that sentencing should be delayed pending the Court's review of the instant motions.

WHEREFORE, Defendant, Monty C. Pepper, respectfully requests this Honorable Court enter Orders substantially in the form attached hereto, allowing him to Withdraw His Guilty Plea, allowing the undersigned to withdraw as Counsel and staying the sentencing scheduled for Thursday, October 14, 2004.

HUDSON, JONES, JAYWORK & FISHER

DATED: 10/12/07

BY:



BETH DEBORAH SAVITZ (ID #3774)
225 South State Street
Dover DE 19901
(302) 734-7401
Attorney for Defendant

Plaintiffs Memorandum of Fact

I Plaintiff To defeat defendants argument II of immunity under The 11th Amendment where Plaintiff makes clear That Thomas Carroll, Bambi Thomas, Thomas Seacord, and James Gardels are being sued in Their "individual capacities" as under Hafer V Melo 502 US 21 (1991) and White V Gregory 1 F3d 267-270 (4th Cir 1993)

There for even when state official actions cloaked with state authority and could not have been effectuated if acting only in personal capacity suit in Their individual capacity is upheld

II Plaintiff To defeat defendants argument VI Qualified Immunity Plaintiff states as Complaint DI 2 IV statement of Claim(1) That The defendants were "denieing" legal call To his attorney Beth Savits esq This is a 6th Amendment violation also a violation of "prison rules". Than no reasonable person would not have know, as a officer Trained by The State and is a protected constitutional Right under 6th amendment and possably The 1st Amendment 14th Amendment

The Complaint clearly states specific conduct in statment (1) a I was refused Legal call form's ; These are important where it list Time date when called what happend which officer Took The call ; This form is being sent in by Plaintiffs Parents I can have a copy For The Court by Feb 30 2006,

II

(1) ³⁻² B my requests were Taken but not Followed Through
³⁻² C again in Dec I requested more about 10 + calls
 Through 16th I was refused

The statement ³⁻² B my request were Taken but not Followed Through states That Plaintiff was not reciving his legal calls . ³⁻² C states clearly I requested more about 10 + "calls" and was refused

~~statement~~ statement of Claim 2

Plaintiff was denied due process under The 14th Amendment and prison rules The defendants who on any greivance would be The paritys who investigate and or remedy . if greivance officer hears The Warden has last say as well controles abuses by officers he was made aware

statement of Claim 3

Plaintiff was denied Greivance Forms sick call forms Legal call forms This again due process under 14th Amendment but Further This was deliberate and was part of The added burden To affect ~~the~~ mentally The plaintiff

Also is a 8th Amendment claim crule and unusal punishment where it was maliciously and sadistically done To deter remedy To greavances sickcalls and Legal calls where without These forms one can not Take action

statement of Claim 4

Plaintiff was denied equal protection and due process under The 14th Amendment By orders From defendants denial of TVs Religious Services ect as put forward in 4

Statement 4 These denial of privleges are unequal To others in The SHU and unequal To others in Buld 18 SHU and unequal To Three others on The Tier Three others have TVs denial of Religious services is a First Amendment violation and denial of cleaning Tools denial of out door recks denial visits and phone calls are 8th Amendment Violations when Taken in Total is no different Than punishment Plaintiff was a pre Trial / convicted not sentenced inmate Heat as well as egnoring Plaintiff's medical needs again 8th Amendment violation

The defendants not only verbally Told Plaintiff They don't care and knew These actions on Their part did not conform To SHU Rules and were unconstitutional as Trained officers

13 statement of Clame 13 and 15

Plaintiff denied protection under 8 Amendment by verbally Abusing Plaintiff The Threats described in DI 2-3-5 as well as in DI 7 and DI 8 where This was deliberately done with intent To mentally harm and To intimidate The Plaintiff from filing greavances As DI 7 shows The increase of This retaliation and intimidation and DI 8 shows a further increase

The defendants by There profeshnal Training as a officer would without a doubt know This was unconstitutional as well as illegal FuThe These were maliciously and sadistically done with The intended out come on The Plaintiffs mental state

Statement of Claim 14 & 15

Plaintiff was denied protection of The 8th Amendment where As Taken in Totality confinement in Protective Custody was no different Than punishment done deliberately To have The Plaintiff and others To sign off To sign off would put The Plaintiff in physical danger

Defendants were aware of Plaintiff's mental state and deliberately used These denial of privleges To get The results intended That is Plaintiff To sign off P.C. without regard To The damage done, again As Trained officers knew what The mental state of The ~~defendant~~ Plaintiff and did nothing To help This is deliberate indifference

Statement of Claim 16

Plaintiff was denied protection under The 8th Amendment as well as 6th Amendment where The defendants acts were To intimidate The Plaintiff from filing grievances and To force Plaintiff To sign off Protective Custody a constitutional right under The 8th Amendment

again There's no way The defendants were not aware of The constitutional guarantee To The Plaintiff as Trained officers

Statement of Claim 17

Plaintiff was denied 6th Amendment access To courts Where defendants ie Defendant Thomas Carroll has 3 paralegals as well as attorney Genral and state officials who all know The access To law meaning full access and when Plaintiff complained action was not taken

Statement of Claim 18

Plaintiff was denied The protection of First Amendment where The warden is responsible for not allowing word puzzles sent in by Family members in regular mail where in Protective Custody in Plaintiff was refused word puzzles. These were considered games defendant Carroll was. The person who makes these rules. Also catalogs for magazines or books are denied by mail. This amounts to censorship. Mr Carroll is responsible for Rules

Statement of Claim 19

Plaintiff was denied protection of The 8th Amendment under Cruel and Unusual where again Defendant Thomas Carroll controls rules allowed The gouging of prices on Commissary. Plaintiff Paid 190⁰⁰ for 13 in TV no remote some 300% over any street price as well as others. There can be no security interest on any other reason except To punish and hurt The Plaintiff and others as well as Families who support The Plaintiff. The Defendant has To be aware of This gouging of inmates who are restricted by The state

Each statement of claim states a constitutional denial That any Trained Correctional Officer would have Known was directly against Prison rules and procedure. The rules are in place To prevent constitutional denials and safety of The officers as well as The inmate ie Plaintiff

The officers are under The direct control of The warden. The warden ~~not~~ would have added knowledge of constitutional denials. These constitutional amendment and meaning have been in effect For years

There For Defendants have no right To Qualified immunity

III Plaintiff To defeat The defendants argument II
statement of fact II

Legal Calls are a protected right under The 6th Amendment
1st Amendment and 14th Amendment

As Bambi Thomas states That she was Told That
Plaintiff's attorney was in Trial and Too busy To speak To
Plaintiff (paragraph 3, statement II) Further states That
Subsequent To The call, attorney Filed a motion To withdraw
as Plaintiff's attorney and That she Bambi Thomas was
Told This by attorney's office.

Then contends That Plaintiff requested a call To Public
Defenders office

Then Defendants Bambi Thomas and Thomas Seacord's
affidavits merron each other with respect To The fact
That There are no specific forms for requesting legal phone calls

Defendants Bambi Thomas and Thomas Seacord dissagree
in who is To make The call and further do not conform To
Rule The provide To The court Exhibit 4 and 5 affidavit
and Rule (Exhibit A 2)

The fact on 200 Plaintiff after contacting
his mother To contact Plaintiff attorney Fired counsel for short
coming and ineffective counsel Asput fourth in post conviction
motion, and filed a motion To withdraw plea and stay sentencing
counsel for Plaintiff was not at liberty To ignore The Plaintiff
or refuse calls untill released by The court.

Through This period Plaintiff had important issues To
discuss with counsel where a delay from 10/12/2004 untill
2/1/2005 some four months That Plaintiff requested phone
call To counsel, docket (Exhibit A 3)

As To Defendants statement There are no specific forms for legal calls. This is untrue and Plaintiff will produce this Legal call request form within 20 days where copy are being sent in but will not make deadline of the 15th for response. Plaintiff will call this (Exhibit A)

a Plaintiff argues That These ~~is~~ affidavits of Bambi Thomas and Thomas Seacord were made in bad faith and on for the purpose to render a summary judgement and decide the court. 'The Legal Call Request form is signed by officer Ballanger' where The Plaintiff includes a response from Counselor Micfadden when Plaintiff complained of denial of calls (Exhibit B). Also The Grievance The defendants present (Exhibits C and D)

8482 which is marked "request" not processed. and one marked duplicate where 8482 Dated Oct/22/04 and Duplicate? is Dated Dec/21/04 and as The court can see They are "not" request. The duplicate marked 7347 ~~is~~ is a head phone grievance (Exhibit E) is SHU Housing rules on page 7 reads

Submit your request on The Legal Call Request form

Plaintiff argues That all request made on paper were trashed by Bambi Thomas Thomas Seacord and James Gardels 8-4 shift worker's

Plaintiff argues That it was not a telephone computer form (Exhibit F) as in compound rule but Legal call Request for which verified That The call was made

Plaintiff argues That Mr Brian Engram was not asked by staff which defendants are careful not to say who asked he was asked by Plaintiff in Legal Law library request forms after The third or fourth request Mr Engram came to Plaintiff cell and asked for numbers. he did not call Plaintiff's counsel but The Prothonary's office (Exhibit G) where he makes no contact with Plaintiff's attorney

Further as SHU rules Exhibit E "only" The 8-4 Lieutenant is to make the call unlike the affidavit (Exhibit 4) Bambi Thomas again makes false claim that "Lieutenant or his designee (lead worker)" makes the call

Plaintiff is unprepared to add the additional evidence which he is in possession due to time constraints as well as ~~research~~ research time in law library to properly assign legal cite and rules but will provide as soon as possible

defendants unlike they claim in VII the vague and conclusory allegations were clear enough to determine on statement of fact II that the plaintiff was denied legal calls and even after repeated complaints still allowed the Plaintiff constitutional right to counsel and the courts. This was to a level of Deliberate Indifference as well as causing the Plaintiff to lose his motion to reduce and motion to withdraw plea under Superior Court Crim Rule 32 as well as causing the Plaintiff severe mental anguish stress and put the defendant further

Plaintiff also has copies of letters more grievances letters to internal affairs ect that are impression copies. This to bring lettering up I will need either carbon paper possible or for science FBI or US Marshalls or some one who can raise the lettering as in copies in DI. The Court can try carbon paper rubbing it softly over the impression this will raise the words!

Plaintiff also has requested an ansure from Beth Savitz
est To The affidavit by Bambi Thomas and
have asked for a replig To The statements with
in concerning her or her office recuiving a call
(Exhibit H) also requested The Three letters To The
Court and Judge James Vaughn Jr which contain statement
To The conditions The plaintiff was suffering at The hands
of The defendants (Exhibit I)

Plaintiff responds To The next issue in defendants statement of fact II page 3 The lack of response To The grievances filed between Sep 22 2004 February 14 2005 defendants contend The Plaintiff filed only six grievances defendants refer to a ~~grievance~~ grievance for head phones This grievance was some 390 days To finalize and 450 days To reimbursed in Dec 14 2005 remedy final (Exhibit J) 1 grievance concerning 11500 which is concerning The unequal Treatment as Defendant Carroll has been notified of condition and attacks and refuses To investigate The questions asked by C6 Welcom "he was Told who was attacked" grievances were filed by Them and was part of The fear and intimidation knowing That inmates ie Plaintiff could be attacked and nothing would be done no recordings This neglect by Warden Carroll as well as other defendant s was a dose rise To The level of deliberate Indifference if not a criminal (Exhibit K)

grievance 11500 is 330 days old before a unsatisfactory Remedy

grievance 11282 dated 2/04/2005 on razors The grievance is about The denial of razors by The defendants Bambi Thomas and ~~L~~ as page 2 of (Exhibit L) ignoring The issue That Plaintiff hadn't shaven For over a week and had To go To court in That condition he Defendant Thomas Seacord Fails To Take any action and says The grievance was on a Friday not on Thursday when razors are passed out. This is deliberate Indifference

where Defendants knew that this treatment was damaging the Plaintiff's mental condition. This mental condition affected the Plaintiff's physical condition. Defendants would laugh about it. All inmates on 18 B Tier were witness and were treated the same abuses some times others were directed at me Plaintiff personally.

Grievance 11282 was 330 days old and the true issue was ignored (Exhibit L)

Plaintiff has attempted to get copies of housing rules and grievance procedures for Exhibits and was refused as well as inmate grievance procedures.

As procedure 4.4 7 reads maximum period between initial grievance receipt and final appeal shall not exceed 180 calendar days. where the grievances Plaintiff list are a well over. Further section E Reprisal in form against of reprisal. And under Emergency Grievance it says that a issue that concern substantial risk of personal or psychological injury shall be addressed immediately as far as medical grievances they have gone unresolved for over a year to Plaintiff will address this in ~~amended~~ amended complaint with the court's permission.

Further Plaintiff puts forth a affidavit on the refusal to photo pages of grievance procedure and rules and Exhibit.

Plaintiff dose have redacted orientation information dated August 27 2002. Plaintiff assumes are up to date where Inmate Reference Manual from Law Library is Dated October 10 2001.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MONTY C. PEPPER,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-084-JJF
)	
Warden THOMAS CARROLL, C/O)	
BAMBIE THOMAS, C/O JAMES)	
GARDELS, C/O THOMAS SEACORD)	
)	
Defendants.)	

AFFIDAVIT OF BAMBIE THOMAS

I, Bambie Thomas, having been duly sworn according to the law, do hereby depose and state the following:

1. I am employed by the State of Delaware, Department of Correction at the Delaware Correctional Center ("DCC") near Smyrna, Delaware as a correction officer. I have been employed by the Department of Correction for 10 years. My duties include Correctional Sergeant. I have held this position since March 2002.
2. In response to a request from the State of Delaware Department of Justice, I am providing the following information regarding inmate Monty Pepper's legal phone calls.
3. The procedure for an inmate requesting legal phone calls to an attorney involves three steps. First, the inmate writes the attorney's name and phone number on a piece of paper, there are no specific forms for requesting legal phone calls, and the inmate then gives the paper to the lead worker, usually a Sergeant and then forwards the request to the Lieutenants office. Second, the Lieutenant or his designee (lead worker) then calls the attorney to set up a time for the attorney and inmate to speak on the phone. This is done to ensure that the attorney will be

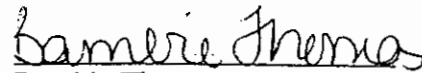
available when the inmate is taken from his cell to the room where he can speak privately with the attorney. After the phone appointment has been scheduled, the inmate is notified. At the time of the appointment, the connection is made with the attorney and the inmate is taken to the recreation room where he can have a private conversation alone.

4. In the autumn of 2004, inmate Pepper made a request for a call to attorney Beth Savitz. According to procedure for assisting inmates in making calls to their attorneys, I first called Ms. Savitz's office to arrange an appointment for her to speak with inmate Pepper over the phone. Ms. Savitz's secretary stated that Ms. Savitz was involved in a murder trial and would not be able to speak with inmate Pepper for several weeks. This response was reported to inmate Pepper.

5. On another occasion, after the first call to Ms. Savitz, inmate Pepper requested another call to the attorney. This time, when I placed the call to Ms. Savitz's office, I was informed that Ms. Savitz filed a motion to withdraw as inmate Pepper's attorney. Therefore, she was not going to arrange to speak with him. This response was reported to inmate Pepper.

6. Inmate Pepper continues to have access to legal phone calls if he has an attorney who will accept his calls.

7. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.


Bamie Thomas

SWORN TO AND SUBSCRIBED BEFORE ME THIS 20th DAY OF January
2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MONTY C. PEPPER,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-084-JJF
)	
Warden THOMAS CARROLL, C/O)	
BAMBI THOMAS, C/O JAMES)	
GARDELS, C/O THOMAS SEACORD)	
)	
Defendants.)	

AFFIDAVIT OF THOMAS SEACORD

I, Thomas Seacord, having been duly sworn according to the law, do hereby depose and state the following:

1. I am employed by the State of Delaware, Department of Correction at the Delaware Correctional Center ("DCC") near Smyrna, Delaware as a correction officer. I have been employed by the Department of Correction for 16 years. My duties include area Lieutenant of the S.H.U. Complex. I have held this position since January 2003; currently I am a Classification Officer and have held this position since August 2005.
2. In response to a request from the State of Delaware Department of Justice, I am providing the following information regarding inmate Monty Pepper's legal phone calls.
3. The procedure for an inmate requesting legal phone calls to an attorney involves three steps. First, the inmate writes the attorney's name and phone number on a piece of paper, there are no specific forms for requesting legal phone calls, and the inmate then gives the paper to the lead worker, usually a Sergeant and then forwards the request to the Lieutenants office. Second, the Lieutenant then calls the attorney to set up a time for the attorney and inmate to speak on the


phone. This is done to ensure that the attorney will be available when the inmate is taken from his cell to the room where he can speak privately with the attorney. After the phone appointment has been scheduled, the inmate is notified. At the time of the appointment, the connection is made with the attorney and the inmate is taken to a recreation room where he can have a private conversation.

4. In the autumn of 2004, inmate Pepper gave me a legal call request with the number for the Public Defender's office. He did not have the name of specific attorney listed. I called the Public Defender's office and was told that they never heard of Monty Pepper and no attorney was assigned to his case.

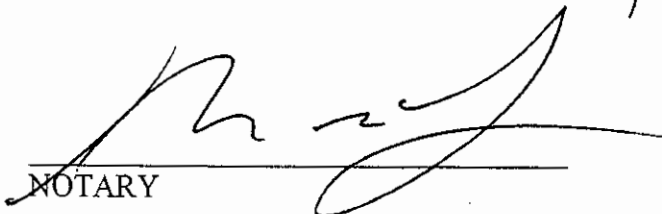
5. I relayed the response from the Public Defender's office to inmate Pepper and told him that if he could provide the name and phone number of a specific attorney, then a legal call could be arranged for him. Inmate Pepper never contacted me again about making legal phone calls.

6. Inmate Pepper continues to have access to legal phone calls if he has an attorney who will accept his calls.

7. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.


Thomas Seacord

SWORN TO AND SUBSCRIBED BEFORE ME THIS 20 DAY OF January,
2006.


NOTARY

SUPERIOR COURT CRIMINAL DOCKET
(as of 09/27/2005)

Page 3

State of Delaware v. MONTY C PEPPER
 State's Atty: MARIE O GRAHAM , Esq.
 Defense Atty: SHERYL RUSH-MILSTEAD , Esq.

DOB: 03/28/1959

No.	Event Date	Event	Judge
16	09/24/2004	LETTER FROM BETH SAVITZ TO JUDGE VAUGHN RE: REQUEST SENTENCING BE CONTINUED. ATTY IN DISTRICT COURT. SENTENCING CONTINUED TO OCT. 14, 2004.	VAUGHN JAMES T. JR.
17	10/12/2004	MOTION TO WITHDRAW AS COUNSEL FILED. (BETH SAVITZ, ESQUIRE)	
18	10/12/2004	MOTION FOR WITHDRAW OF GUILTY PLEA FILED. (BETH SAVITZ, ESQUIRE)	
19	10/12/2004	MOTION TO STAY SENTENCING FILED. (BETH SAVITZ, ESQUIRE)	
20	10/28/2004	DEFENDANT'S LETTER FILED. RE: ASK YOUR HONOR TO WITHDRAW PLEA, STAY SENTENCING AND APPOINT NEW COUNSEL.	
21	11/22/2004	DEFENDANT'S LETTER FILED. RE: PENDING MOTIONS. NOTE: SCHEDULED FOR 11/24/2004 (PJV).	
22	11/22/2004	DEFENDANT'S LETTER FILED. RE: PENDING MOTIONS. NOTE: SCHEDULED FOR 11/24/2004 (PJV).	
23	11/24/2004	SENTENCING CALENDAR - CONTINUED. COURT'S REQUEST - LACK OF JUDGES PRESIDENT JUDGE VAUGHN N/A SENTENCING 2/1/05	VAUGHN JAMES T. JR.
24	11/24/2004	MOTION TO WITHDRAW AS COUNSEL PASSED TIL 2/1/05 PRESIDENT JUDGE VAUGHN N/A	VAUGHN JAMES T. JR.
25	11/24/2004	MOTION FOR WITHDRAW OF GUILTY PLEA PASSED TIL 2/1/05 PRESIDENT JUDGE VAUGHN N/A	VAUGHN JAMES T. JR.
26	11/24/2004	MOTION TO STAY PASSED TIL 2/1/05 PRESIDENT JUDGE VAUGHN N/A	VAUGHN JAMES T. JR.
31	01/31/2005	DEFENDANT'S LETTER FILED. RE: REQUEST FOR APPOINTMENT OF COUNSEL.	
27	02/01/2005	SENTENCING CALENDAR CONTINUED 2/28/05. DEFENDANT'S REQUEST-AWAITING DECISION ON MOTION.	VAUGHN JAMES T. JR.
28	02/01/2005		VAUGHN JAMES T. JR.

STATE OF DELAWARE	SOP NUMBER	PAGE NUMBER
DELAWARE CORRECTIONAL CENTER	3.4	4 of 10
SUBJECT: INMATE ACCESS TO TELEPHONE		

- d. Access to telephones by inmates shall be the responsibility of the Lead Worker or his designee in each housing area.
- e. Inmate shall be referred for abuse of telephone privileges to the Disciplinary Hearing Officer. There shall be no bartering, selling, trading or the permitting of one (1) inmate to use another inmate's telephone time under any circumstances.
- f. Amount and duration of telephone time shall be:
- (1) Pre-Trial Detainee(s): Legal collect-calls shall be as requested at the earliest time convenient to Lead Worker. Personal collect-calls shall be no more than two (2) ten (10) minute sessions per week.
 - (2) Maximum: Legal collect-calls shall be as requested at the earliest time convenient to Lead Worker. Personal collect-calls shall be no more than one (1) ten (10) minute session per week.
 - (3) Medium: Legal collect-calls shall be as requested. Personal collect-calls shall be no more than two (2) ten (10) minute sessions per week.
 - (4) Minimum: Legal collect-calls shall be as needed and are verified as such. Personal collect-calls for those inmates gainfully employed, and being paid for such employment, shall be no more than three (3) ten (10) minute sessions per week. Otherwise, two (2) sessions shall be permitted.

TO

Monty Pepper

FROM

SPEED LETTER

Cash McFadden

SUBJECT:

18BLS

legal call

MESSAGE

You will need to write to the
824 Lt. I request a legal call

REPLY:

Mark

DATE

10/19/04

SIGNED

MME

DATE

SIGNED

FORM #: 535

SEND PARTS 1 & 2 INTACT. PART 2 WILL BE RETURNED WITH REPLY. RETAIN PART 3 FOR FILE.

EXHIBIT B

M. Merson
hair P

FORM #584

GRIEVANCE FORM

Capt. Sagers
FIVE
11/10/04

LITY: DCCDATE: OCT 22 04EVANT'S NAME: Monty Pepper SBI#: 00156920SE#: 0482

TIME OF INCIDENT: _____

HOUSING UNIT: Shu 18 B L8

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

L.M. Merson I have been Trying To get League calls for over 3 weeks I have sent in multiple Requests on day shift to sagers and Requested Through McEadden Telling The problem I have Requested call forms Day & Nite shifts dozens of times yet have not got one yet I have wrote a letter to Judge James T Vaughn To get action on my case and let him know what is Taking Place in hear This has infringed on my Rites To The Law

ACTION REQUESTED BY GRIEVANT: League calls and possible
League action denying my Rites To counsel
against DCC

Hope no retribution from Staff for complains
(as of today I have sent him 13+ letters)

GRIEVANT'S SIGNATURE: [Signature]DATE: OCT 22 04OCT 24 04

WAS AN INFORMAL RESOLUTION ACCEPTED?

____ (YES) ____ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANT'S SIGNATURE: _____

DATE: 0

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE.

cc: INSTITUTION FILE
GRIEVANT

RECEIVED

NOV 03 2004

April '97 REV

Inmate Grievance Office

Instructions for Submitting a Regular Grievance

Inmates are required, per DOC Procedure 4.4 [Inmate Grievance Procedure] to attempt to resolve complaints prior to filing a regular grievance. Grievances are to be submitted within seven(7) days from the date of the occurrence or incident or within seven days after the inmate became aware of the incident. The grievance is to be placed in the grievance box located in each housing unit.

Only one issue per grievance form will be addressed. If the grievance is submitted on a weekend or a holiday, it will be received during the next working day.

Return of Unprocessed Grievance

Intake Action: This Grievance Form is being returned to the inmate under the provisions outlined in DOC Procedure 4.4 "Inmate Grievance Procedure" for the following reason(s):

Vulgar/Abusive or Threatening Language. The language that is unacceptable has been highlighted. The grievance may be resubmitted omitting this language.

Non-Grievable. This issue has been defined as non-grievable in accordance with DOC Policy 4.4. These procedures have their own appeal process that must be followed. Disciplinary Action Parole Decision
Classification Action

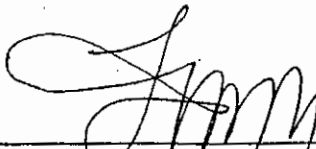
✓ Request. Requests are not processed through the grievance procedure. Please correspond with the appropriate office to secure the information that is requested.

Duplicate Grievance(s). This issue has been addressed previously in Grievance # _____.

Original Grievances must be submitted to the Inmate Grievance Chairperson. Photocopies are not accepted.

Inquiry on behalf of other inmates. Inmates cannot submit grievances for other inmates.

Expired filing period. Grievance exceeds seven(7) days from date of occurrence.


Inmate Grievance Chairperson

NOV 03 2004
Date

n.s merson

duplicate

FORM #584

8482

GRIEVANCE FORM

FACILITY: DCC DATE: Dec 21 04
 GRIEVANT'S NAME: Monty Pepper SBI#: 00156920
 CASE#: _____ TIME OF INCIDENT: _____
 HOUSING UNIT: 18B L8

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

I am being Refused Legal calls 10th try either
Bumbeort Seacord or someone is not letting call happen
I have copy's I've informd The Task Force I intend
on fileing suTe. Bambi and co's Refuse
Request for Grievance forms ' sick forms
and Legal call forms I am sendind Letter's
To Judge Vaugh letting him know and I see
no other couice But To file suTe over This issue
and The Lack of your office in all matters
To resolve Problems has been forwarded To Fed/Task force

ACTION REQUESTED BY GRIEVANT: Face To Face with you
To Resolve This befor This goes To COURT 1
Resolve Greaviance 7347 9/22/04

GRIEVANT'S SIGNATURE: _____ DATE: _____

WAS AN INFORMAL RESOLUTION ACCEPTED? _____ (YES) _____ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANT'S SIGNATURE: _____ DATE: _____

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE.

cc: INSTITUTION FILE
 GRIEVANT

April '97 REV

RECEIVED

JAN 03 2005

Inmate Grievance Office

DEC 27 2004

Exhibit D

Instructions for Submitting a Regular Grievance

Inmates are required, per DOC Procedure 4.4 [Inmate Grievance Procedure] to attempt to resolve complaints prior to filing a regular grievance. Grievances are to be submitted within seven(7) days from the date of the occurrence or incident or within seven days after the inmate became aware of the incident. The grievance is to be placed in the grievance box located in each housing unit.

Only one issue per grievance form will be addressed. If the grievance is submitted on a weekend or a holiday, it will be received during the next working day.

Return of Unprocessed Grievance

Intake Action: This Grievance Form is being returned to the inmate under the provisions outlined in DOC Procedure 4.4 "Inmate Grievance Procedure" for the following reason(s):

Vulgar/Abusive or Threatening Language. The language that is unacceptable has been highlighted. The grievance may be resubmitted omitting this language.

Non-Grievable. This issue has been defined as non-grievable in accordance with DOC Policy 4.4. These procedures have their own appeal process that must be followed. Disciplinary Action Parole Decision
Classification Action

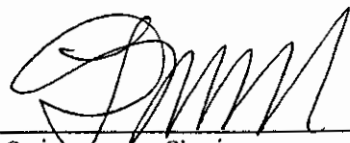
Request. Requests are not processed through the grievance procedure. Please correspond with the appropriate office to secure the information that is requested.

Duplicate Grievance(s). This issue has been addressed previously in Grievance # 7347.

Original Grievances must be submitted to the Inmate Grievance Chairperson. Photocopies are not accepted.

Inquiry on behalf of other inmates. Inmates cannot submit grievances for other inmates.

Expired filing period. Grievance exceeds seven(7) days from date of occurrence.



Inmate Grievance Chairperson

DEC 13 2004

Date

Security Housing Unit

Orientation Information

***SHU Counselors Office
Delaware Correctional Center***

August 27, 2002

Who handles Legal Call requests?

The Lieutenant on 8 x 4 shift handles the Legal Call Requests. Submit your request on the Legal Call Request form to the 8 x 4 Lieutenant. He will call the attorney to verify the request and schedule a time suitable to the attorney and security staff.

Are there Religious Services in SHU?

There are three chapel services in SHU. All chapel services are on video. You can watch them on channel 4 on your Television. The Jumu'ah Services are on Fridays at 1:00 p.m., the Catholic Service tape is played on Saturday at 1:00 p.m., and the Protestant tape is played on Sunday at 1:00 p.m.

Who do I talk to about my Release Date or Goodtime?

You should write to the records department if you have a question about your sentencing, Short Time Release date, or Goodtime that you have earned. Your counselor may be able to help you with some of this also.

***Good Luck!!
SHU Counselors***

STATE OF DELAWARE
DELAWARE CORRECTIONAL CENTER - SMYRNA

Telephone System Telephone Number Request Form

INMATE NAME _____ SBI NUMBER _____

DATE OF BIRTH ____/____/____ HOUSING UNIT _____

PERSON TO BE CALLED RELATIONSHIP (AREA CODE) NUMBER

1. _____

2. _____

3. _____

4. _____

5. _____

ATTORNEY: _____

Your signature on this form and using the Inmate telephones shall be deemed as consent to the conditions and restrictions placed upon the Delaware Correctional Center - Smyrna telephones, including the possibility of monitoring, recording, and the recording of all call detail.

SIGNATURE: _____ / _____
DATE

Reviewed by Staff Member

SIGNATURE: _____ / _____
DATE

Exhibit G

MEMO

TO: I/M Monty Pepper #156920

FROM: Brian Engren, SHU Law Library Paralegal

DATE: January 18, 2005

RE: Beth Savitz

I have contacted the prothonary office of the Kent County Superior Court regarding your issue with your paid attorney Beth Savitz. They told me Beth Savitz has filed a motion to withdraw as counsel. This motion and several others are scheduled for a hearing on February 01, 2005. I did not contact Beth Savitz since this matter is pending before the court. If you desire to file the lawsuit regarding your legal phone calls to Beth Savitz, I will send you the forms. You may want to wait until the judge rules on these motions before you proceed on any lawsuit. I will direct your request sent to me on this matter to the Inmate Paralegals on the Main Compound for further interpretation of this matter.

Cc: Mike Little
File

To BETH SAVITZ esq

FEBURARY 10 2006

FROM MONTY C PEPPER

Delaware Correcetonal Center

INCLOSED you will find a affidavit of Officer BAMBIE THOMAS
of D.C.C.

This affitdavit concerns my ATTEMPTS to contact you during
the time after OCT /24/04 or around up untill FEB0/ 1 /2005 as
Defendants in a 1983 Civil Action Ms Thomas says she called your office
on two occations

On both occasions Ms thomas states that you refused to talk to me
as this case is proceeding to trial I would ask that you ansure to this
AFFIDAVIT weather included statements are true

Ansuring to this AFFIDAVIT would save time and effort on both me
and you and would help prevent a summons at a later time

I would appreciate a timely response to this request were as There
are deadlines that I have to meet

Respectfully

MONTY C PEPPER

Delaware Correctional Center
1181 Paddeck RD
Smyrna Del 19977

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MONTY C. PEPPER,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-084-JJF
)	
Warden THOMAS CARROLL, C/O)	
BAMBIE THOMAS, C/O JAMES)	
GARDELS, C/O THOMAS SEACORD)	
)	
Defendants.)	

AFFIDAVIT OF BAMBIE THOMAS

I, Bambi Thomas, having been duly sworn according to the law, do hereby depose and state the following:

1. I am employed by the State of Delaware, Department of Correction at the Delaware Correctional Center ("DCC") near Smyrna, Delaware as a correction officer. I have been employed by the Department of Correction for 10 years. My duties include Correctional Sergeant. I have held this position since March 2002.
2. In response to a request from the State of Delaware Department of Justice, I am providing the following information regarding inmate Monty Pepper's legal phone calls.
3. The procedure for an inmate requesting legal phone calls to an attorney involves three steps. First, the inmate writes the attorney's name and phone number on a piece of paper, there are no specific forms for requesting legal phone calls, and the inmate then gives the paper to the lead worker, usually a Sergeant and then forwards the request to the Lieutenants office. Second, the Lieutenant or his designee (lead worker) then calls the attorney to set up a time for the attorney and inmate to speak on the phone. This is done to ensure that the attorney will be

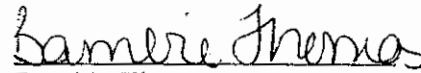
available when the inmate is taken from his cell to the room where he can speak privately with the attorney. After the phone appointment has been scheduled, the inmate is notified. At the time of the appointment, the connection is made with the attorney and the inmate is taken to the recreation room where he can have a private conversation alone.

4. In the autumn of 2004, inmate Pepper made a request for a call to attorney Beth Savitz. According to procedure for assisting inmates in making calls to their attorneys, I first called Ms. Savitz's office to arrange an appointment for her to speak with inmate Pepper over the phone. Ms. Savitz's secretary stated that Ms. Savitz was involved in a murder trial and would not be able to speak with inmate Pepper for several weeks. This response was reported to inmate Pepper.

5. On another occasion, after the first call to Ms. Savitz, inmate Pepper requested another call to the attorney. This time, when I placed the call to Ms. Savitz's office, I was informed that Ms. Savitz filed a motion to withdraw as inmate Pepper's attorney. Therefore, she was not going to arrange to speak with him. This response was reported to inmate Pepper.

6. Inmate Pepper continues to have access to legal phone calls if he has an attorney who will accept his calls.

7. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.


Bamberie Thomas

SWORN TO AND SUBSCRIBED BEFORE ME THIS 20th DAY OF January

2006

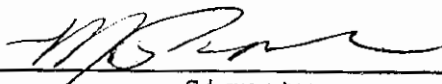
REQUEST FOR MATERIALS FROM PROTHONOTARYTO: Kent CountyDATE REQUESTED: Feb 13 2006INDICTMENT NUMBER(S): 1K 04 02 594 Doc # 04 01017318OFFENSE(S): 115 772 Trust 115 1111 115 1109DATE ARREST: Jan 22 2004DATE OF BIRTH: 3/28/59

Please send the following:

1. Court docket sheets ☐ plain ☐ Certified
2. Court docket Numbers ☐
3. Indictment Sheet ☐
4. Other Letters ☒

Please send materials to the following:

Defendants letter 10/28/04
Defendants letter 11/24/2004
Defendants letter 1/31/2004



Signature

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Exhibit J

GRIEVANCE INFORMATION - WARDEN

OFFENDER GRIEVANCE INFORMATION		
Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 7347	Grievance Date : 09/22/2004	Category : Individual
Status : Unresolved	Resolution Status :	Inmate Status :
Grievance Type: Personal Property	Incident Date : 09/21/2004	Incident Time :
IGC : McCreanor, Michael	Housing Location : Bldg V, Tier A, Cell 8, Bottom	
REFERRED TO		
Due Date :	Referred to:	Name:
Type of Information Requested :		
DECISION		
Date Received : 03/11/2005		
Decision Date : 10/14/2005	Vote : Uphold	
Comments : Upheld. Headphones were purchased on Sept. 15, 2004, and were lost by staff on or about Sept. 18, 2004. Therefore, Inmate Pepper shall be reimbursed \$20.20.		
cc DCC IGC Inmate DCC Business Office Admin. Officer Smith		

Elizabeth Beers
WARDEN / WARDEN'S DESIGNEE SIGNATURE

10/14/05
DATE

I WISH TO APPEAL THIS TO THE BUREAU GRIEVANCE OFFICER (B.G.O.)

YES: _____ NO: _____

GRIEVANT'S SIGNATURE

I.G.C. SIGNATURE

RECEIVED

DATE OCT 17 2005

Inmate Grievance Office
DATE

364
394

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name :	PEPPER, MONTY C	SBI# :	00156920	Institution :	DCC
Grievance # :	7347	Grievance Date :	09/22/2004	Category :	Individual
Status :	Unresolved	Resolution Status :		Resol. Date :	
Grievance Type:	Personal Property	Incident Date :	09/21/2004	Incident Time :	
IGC :	Merson, Lise M	Housing Location :	Bldg V, Tier A, Cell 8, Bottom		

OFFENDER GRIEVANCE DETAILS

Description of Complaint: On 9/18/04 2:30 I moved to PC 18 BL8 on my own free will to head off trouble with the advice of C/O Werda. She inventoried my property Things were stolen. Headphones \$20.00 which were in the box, I have the receipt. Ms Morgan said they had been stolen. This leaves me with no radio.

Remedy Requested : replace headphones please or \$20.00 asap.

INDIVIDUALS INVOLVED

Type	SBI #	Name
------	-------	------

ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance :	NO	Date Received by Medical Unit :	
Investigation Sent :		Investigation Sent To :	Kromka, Frank
Grievance Amount :	\$20		

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

INFORMAL RESOLUTION

OFFENDER GRIEVANCE INFORMATION

Offender Name	: PEPPER, MONTY C	SBI#	: 00156920	Institution	: DCC
Grievance #	: 7347	Grievance Date	: 09/22/2004	Category	: Individual
Status	: Unresolved	Resolution Status:		Inmate Status	:
Grievance Type	: Personal Property	Incident Date	: 09/21/2004	Incident Time	:
IGC	: Merson, Lise M	Housing Location	: Bldg V, Tier A, Cell 8, Bottom		

INFORMAL RESOLUTION

Investigator Name : Kromka, Frank **Date of Report** 10/01/2004

Investigation Report : The property room received a 537 form dated 9/18/04 listing a pair of Sony headphones, however, there were no headphones in I/M Pepper's contents. As of this date the property room still has not received the headphones.

Reason for Referring:

Investigator Name : Henry, Janice **Date of Report** 01/07/2005

Investigation Report : As of 1-12-05 the Pre-Trial area was checked to see if anyone had the missing headphone. None where found belonging to inmate M. Pepper. Grievance is forwarded to Cpl. Merson for resolution, pending inmates receipt of purchase and 537 from Sgt. Kromka.

Reason for Referring: Capt. Henry,
This inmate was removed from B/PT and sent to SHU. please see Cpl. Kromka's and continue the investigation in your area. Thanks,

Merson

Offender's Signature: _____

Date : _____

Witness (Officer) : _____

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE INFORMATION - IGC

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 7347	Grievance Date : 09/22/2004	Category : Individual
Status : Unresolved	Resolution Status :	Inmate Status :
Grievance Type: Personal Property	Incident Date : 09/21/2004	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg V, Tier A, Cell 8, Bottom	

IGC

Medical Provider:

Date Assigned

Comments:

☐ Forward to MGC

☐ Warden Notified

☒ Forward to RGC

Date Forwarded to RGC/MGC : 02/04/2005

☐ Offender Signature Captured

Date Offender Signed :

Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE INFORMATION - RGC

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 7347	Grievance Date : 09/22/2004	Category : Individual
Status : Unresolved	Resolution Status :	Inmate Status :
Grievance Type: Personal Property	Incident Date : 09/21/2004	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg V, Tier A, Cell 8, Bottom	

RGC

Date Received : 02/04/2005

Date of Recommendation: 03/11/2005

GRIEVANCE COMMITTEE MEMBERS

Person Type	SBI #	Name	Vote
Inmate	00188380	IRWIN, RICHARD N	Uphold
Inmate	00187042	BASS, DONALD F	Uphold
Staff		Kramer, William	Uphold
Staff		Beall, Wayne	Uphold
Staff		Vargas, Rosalie	Abstain

VOTE COUNT

Uphold : 4

Deny : 0

Abstain : 1

TIE BREAKER

Person Type	SBI #	Name	Vote
-------------	-------	------	------

RECOMMENDATION

March 07, 2005

Uphold: Inmate should be reimbursed for headphones. \$20.20

GRIEVANCE INFORMATION - WARDEN

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 7347	Grievance Date : 09/22/2004	Category : Individual
Status : Unresolved	Resolution Status :	Inmate Status :
Grievance Type: Personal Property	Incident Date : 09/21/2004	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg V, Tier A, Cell 8, Bottom	

REFERRED TO

Due Date : Referred to: Name:

Type of Information Requested :

DECISION

Date Received : 03/11/2005
Decision Date : 10/14/2005
Vote : Uphold
Comments : Upheld. Headphones were purchased on Sept. 15, 2004, and were lost by staff on or about Sept. 18, 2004. Therefore, Inmate Pepper shall be reimbursed \$20.20.
cc DCC IGC
Inmate
DCC Business Office
Admin. Officer Smith

WARDEN / WARDEN'S DESIGNEE SIGNATURE

DATE

I WISH TO APPEAL THIS TO THE BUREAU GRIEVANCE OFFICER (B.G.O.)

YES: _____

NO: _____

GRIEVANT'S SIGNATURE

DATE

I.G.C. SIGNATURE

DATE

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE INFORMATION - Appeal

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 7347	Grievance Date : 09/22/2004	Category : Individual
Status : Unresolved	Resolution Status :	Inmate Status :
Grievance Type: Personal Property	Incident Date : 09/21/2004	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg V, Tier A, Cell 8, Bottom	

APPEAL REQUEST

Appeal Due 10-21-2005

REMEDY REQUEST

Exhibit K

DEPARTMENT OF CORRECTION
Bureau of Prisons
245 McKee Road
Dover, Delaware 19904

December 19, 2005

D/W C-12

Inmate PEPPER MONTY C
SBI # 00156920
DCC Delaware Correctional Center
SMYRNA DE, 19977

Dear MONTY PEPPER:

We have reviewed your Grievance Case # 11500 dated 02/13/2005.

Based upon the documentation presented for our review, we deny your appeal request.

Accordingly, there is no further issue to mediate nor Outside Review necessary as provided by BOP Procedure 4.4 entitled "Inmate Grievance Procedure", Level III appeals.

Sincerely,

Paul W. Howard
Bureau Chief

Inmate Copy

Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C SBI# : 00156920 Institution : DCC
Grievance # : 11500 Grievance Date : 02/13/2005 Category : Individual
Status : Resolved Resolution Status : Level 3 Resol. Date : 01/13/2006
Grievance Type: Miscellaneous Incident Date : 02/13/2005 Incident Time :
IGC : Merson, Lise M Housing Location : Bldg D-WEST, Tier C, Cell 12, Bottom

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Even inmates that were attacked by guards your office has egnored and told them too bad yet inmates have witnessed these attacks. Religous services and reading materal have been purposly & mulishily denied us.

Remedy Requested : Give us our wrights back.

INDIVIDUALS INVOLVED

Type	SBI #	Name
------	-------	------

ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : NO Date Received by Medical Unit :
Investigation Sent : Investigation Sent To : Sagers, Clyde
Grievance Amount :

INFORMAL RESOLUTION

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 11500	Grievance Date : 02/13/2005	Category : Individual
Status : Resolved	Resolution Status: Level 3	Inmate Status :
Grievance Type: Miscellaneous	Incident Date : 02/13/2005	Incident Time :
IGC : Merson, Lise M	Housing Location :Bldg D-WEST, Tier C, Cell 12, Bottom	

INFORMAL RESOLUTION

Investigator Name : Sagers, Clyde Date of Report 02/14/2005

Investigation Report :

Reason for Referring:

Investigator Name : Welcome, Michael Date of Report 02/15/2005

Investigation Report : Interviewed Inmate Pepper to try to clarify his grievance: On the "Inmates are attacked by guards" issue he made reference to an incident involving another inmate that he alleges occurred over a year ago, and the inmate is no longer here. He has nothing to substantiate his claim, and can not recall Officers names or date of incident etc. As to his second complaint: He alleges he is being denied access to a regular library for reading material, and that he is being denied access to religious services because he is not permitted to have a television to watch church services on. Currently Protective Custody Inmates are not permitted televisions. This issue is policy set by the administration, and is beyond the scope of my supervision or ability to change. Inmate refuses to settle the grievance at this level, and is requesting a hearing before the grievance board concerning his access to religious services. Forwarded grievance to IGC for next level of resolution attempt.

Reason for Referring: Please resolve. Sagers

Offender's Signature: _____

Date : _____

Witness (Officer) : _____

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE INFORMATION - IGC

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 11500	Grievance Date : 02/13/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type : Miscellaneous	Incident Date : 02/13/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg D-WEST, Tier C, Cell 12, Bottom	

IGC

Medical Provider:

Date Assigned

Comments:

☐ Forward to MGC

☐ Warden Notified

☒ Forward to RGC

Date Forwarded to RGC/MGC : 02/21/2005

☐ Offender Signature Captured

Date Offender Signed :

GRIEVANCE INFORMATION - RGC

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C SBI# : 00156920 Institution : DCC
Grievance # : 11500 Grievance Date : 02/13/2005 Category : Individual
Status : Resolved Resolution Status : Level 3 Inmate Status :
Grievance Type: Miscellaneous Incident Date : 02/13/2005 Incident Time :
IGC : Merson, Lise M Housing Location : Bldg D-WEST, Tier C, Cell 12, Bottom

RGC

Date Received : 02/21/2005 Date of Recommendation: 03/11/2005

GRIEVANCE COMMITTEE MEMBERS

Person Type	SBI #	Name	Vote
Inmate	00188380	IRWIN, RICHARD N	Deny
Inmate	00187042	BASS, DONALD F	Deny
Staff		Kramer, William	Deny
Staff		Beall, Wayne	Deny
Staff		Vargas, Rosalie	Abstain

VOTE COUNT

Uphold : 0 Deny : 4 Abstain : 1

TIE BREAKER

Person Type	SBI #	Name	Vote
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RECOMMENDATION

March 07, 2005

Deny: inmate stated he signed onto P/C voluntarilly - Policy for P/C in place has option of removing himself from P/C

Note: Inmate disorderly during hearing

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE INFORMATION - WARDEN

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C SBI# : 00156920 Institution : DCC
Grievance # : 11500 Grievance Date : 02/13/2005 Category : Individual
Status : Resolved Resolution Status : Level 3 Inmate Status :
Grievance Type: Miscellaneous Incident Date : 02/13/2005 Incident Time :
IGC : Merson, Lise M Housing Location : Bldg D-WEST, Tier C, Cell 12, Bottom

REFERRED TO

Due Date : Referred to: Name:

Type of Information Requested :

DECISION

Date Received : 03/11/2005
Decision Date : 10/17/2005 Vote : Deny
Comments : Denied. Protective Custody is transient housing, utilized to stabilize a situation until the inmate can be placed in the appropriate housing status. The inmate should work with Treatment staff to develop a treatment plan for his movement from Protective Custody.

cc DCC IGC
Inmate
Treatment Administrator Hosterman

WARDEN / WARDEN'S DESIGNEE SIGNATURE

DATE

I WISH TO APPEAL THIS TO THE BUREAU GRIEVANCE OFFICER (B.G.O.) YES: _____ NO: _____

GRIEVANT'S SIGNATURE

DATE

I.G.C. SIGNATURE

DATE

GRIEVANCE INFORMATION - Appeal

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 11500	Grievance Date : 02/13/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Miscellaneous	Incident Date : 02/13/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg D-WEST, Tier C, Cell 12, Bottom	

APPEAL REQUEST

Appeal due 10-23-2005. Appeal returned 10-24-2005

Sir I have copies of all greavaces and medical forms

(1) grv11500 the attacks I do have names names are sute. Inmates put in greavances Lt. Welcom did not ask (12/18/ is my sons birthday) if he did he would had got an ansure they too fear from retaliation from Guards/

(2) The resuloition dose not address the abuse of inmates or denial of privlages TV/Religious

(3) The resulation does not address the grievance system's inaffectiveness and lack of "Remedy"

(4) grv 11500 is about the other greavances that were not hurd or marked "Not Grievancable"

(5) some inmates have TV's are the privlaged.

(6) I was not disordley I said: It was about time: Vargus said are getting smart we can end this now there was a grievance put in on that hearing.

(7) Inmates/citizens are to be afforted rights as other inmates Legitimat Penal Intrest.

With all due Respect

The remedy is no addressing the complaints put in grievance 11500. The first line states "That grievances go unherd". as your Remedy shows it is still unherd this griev. being 240 dayts old 7347 is 395 days old

This griev as other's the grv officers have changed or left out the main reason or request for remedy and as others they are egnores or checked not grv/able 4.4 rules state 180 days from beginning to appeal remedy. yes grvs. on attacks, on Religous services on denial of legal calls restrictions of Law Library. cleaning tool as well as TV's exercize time and other rights as medical which was one of the most important ans is still denied to date i have been in pain since last year no help I have a cough and a lump on my spine which could be canser for all I know no help! yet grievances were put in. and egnores

Retaliation from guards for exerciseing my constitutional Right the grievance system

Religious services denied could be done on TV this is agenst 42 USCA11977 and 42 USCD 2000cc-2cc)

Continued in "Remedy Request"

REMEDY REQUEST

All this information was sent in a letter to warden caroll and internal Affairs (All egnores)

Retailation from officer's grievnces went unhurd. I fear for my life from these officers! Seacord states at a hearing agenst (retailation) officers Thomas/Cordell told me quote if it was 5 years ago he would had beat the shit out of me and put me in the hole;

The other officers were presant he wouldn't unhand cuff me to sign, Bogas write ups Officer Savage Laffes say you know your guilty and refused withness or affidavids officer Thomas states dont you want to sign off now, This "Conspiracy" falls under 42 usc 1983 and was witnessed officers/Dr. Remmie/Dr. Eelan/inmates

Ad of today I fear fore my life each day no matter what prison the fear from retaliation would fallow because of the proven crupt officers. could just make a call or pay a inmate to hurt or kill me.

The total neglance from medical has left me in pain. A cough (dry) that started in P.C. and has not stoped for all most a year as being biPoler diagnosed major depperessant disorder no care at all I sleep verry littel and antisapate a attack at any time

I fear the cough and the lump on my spine could be cancer I don't know will it be too late by the time I do { I was a pretrial inmate 4 05 visits to mt family shakeled was harmfull to my son and family and me was excessive restraint} There no excuse for that lack of medical help. when mental health check a book while they walk by our cells.

The Law Library restriction caused me to loose my plea with drawl, caused me to send a incomplete motion for reduction-of sentence and caused me to fail to appeal it in time when the plea is unjust and plead to a crime I did not do I am trying to correct that, then and now and still am restricted from access to law. without ampel time to recarch I stand no cance to reverce my sentence or get it lowered.

The denial of legal calls "to my counsel" added difficulties in the case which also added to my loss this wenton from oct 24 04 - may 30 05 have copys and grievances checked not grievancable no calls allowed

these are a small amount of what happend the fact that Im in "V" I feel safer "but not safe" at all" The damage has allready

GRIEVANCE INFORMATION - BGO

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 11500	Grievance Date : 02/13/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Miscellaneous	Incident Date : 02/13/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg D-WEST, Tier C, Cell 12, Bottom	

REFERRED TO

Due Date : Referred to: Name:

Type of Information Requested :

DECISION

Date Received : 10/24/2005

Decision Date : 10/24/2005

Vote : Deny

Comments :

I concur with the unanimous Resident Grievance Committee recommendation, which is further supported by the Warden's decision.

GRIEVANCE INFORMATION - Bureau Chief

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 11500	Grievance Date : 02/13/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Miscellaneous	Incident Date : 02/13/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg D-WEST, Tier C, Cell 12, Bottom	

DECISION

Decision Date: 12/19/2005 **Vote :** Deny
Comments :

Exhibit L

DEPARTMENT OF CORRECTION
Bureau of Prisons
245 McKee Road
Dover, Delaware 19904

December 19, 2005

D/W C-12

Inmate PEPPER MONTY C
SBI # 00156920
DCC Delaware Correctional Center
SMYRNA DE, 19977

Dear MONTY PEPPER:

We have reviewed your Grievance Case # 11282 dated 02/04/2005.

Based upon the documentation presented for our review, we deny your appeal request.

Accordingly, there is no further issue to mediate nor Outside Review necessary as provided by BOP Procedure 4.4 entitled "Inmate Grievance Procedure", Level III appeals.

Sincerely,

Paul W. Howard
Bureau Chief

Inmate Copy

DCC Delaware Correctional Center
 Smyrna Landing Road
 SMYRNA DE, 19977
 Phone No. 302-653-9261

Date: 01/13/2006

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 11282	Grievance Date : 02/04/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Resol. Date : 01/13/2006
Grievance Type: Staff Issues	Incident Date : 02/04/2005	Incident Time : 12:00
IGC : Merson, Lise M	Housing Location : Bldg D-WEST, Tier C, Cell 12, Bottom	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: This morning I asked c/o Boston and Loydd for a razor with no response at lunch time I asked again with no response I asked for a grievance form no response a c/o was talking to L6 (Janodoe) c/o. When trays were picked up I asked c/o Bamby for a razor she said no! I asked why she said because she said I asked for a grievance form she said no she told me that razors are a privilage. Other inmates witnessed this I haven't shaved since last fryday Tuesday I went to court the didnt let me shave. This is retaliation.

Remedy Requested : Solve this problem up to you legal action is in process agenst DCC and agenst c/oBoston and other in the profeshanl and non profeshanl status as other greaivances this has a copy and I expect action.

INDIVIDUALS INVOLVED

Type	SBI #	Name
Inmate	00156920	PEPPER, MONTY C
Staff		Boston, Kenya Q
Staff		Lloyd, Joshua
Staff		Thomas, Bambie

ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : NO	Date Received by Medical Unit :
Investigation Sent :	Investigation Sent To : Sagers, Clyde
Grievance Amount :	

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

INFORMAL RESOLUTION

OFFENDER GRIEVANCE INFORMATION

Offender Name :	PEPPER, MONTY C	SBI# :	00156920	Institution :	DCC
Grievance # :	11282	Grievance Date :	02/04/2005	Category :	Individual
Status :	Resolved	Resolution Status :	Level 3	Inmate Status :	
Grievance Type :	Staff Issues	Incident Date :	02/04/2005	Incident Time :	12:00
IGC :	Merson, Lise M	Housing Location :	Bldg D-WEST, Tier C, Cell 12, Bottom		

INFORMAL RESOLUTION

Investigator Name : Sagers, Clyde **Date of Report** 02/07/2005

Investigation Report :

Reason for Referring:

Investigator Name : Seacord, Thomas J **Date of Report** 02/22/2005

Investigation Report : HOUSING RULES IN SHU STATE THAT INMATES RECIEVE RAZORS ON MONDAY AND THURSDAY. DAY IN QUESTION ON THIS GRIEVANCE WAS A FRIDAY. INMATE REFUSED TO SIGN THIS GRIEVANCE AND DISAGREE'S.

Reason for Referring: please resolve grievance. Sagers

Offender's Signature: _____

Date : _____

Witness (Officer) : _____

Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE INFORMATION - IGC

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 11282	Grievance Date : 02/04/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Staff Issues	Incident Date : 02/04/2005	Incident Time : 12:00
IGC : Merson, Lise M	Housing Location : Bldg D-WEST, Tier C, Cell 12, Bottom	

IGC

Medical Provider:

Date Assigned

Comments:

☐ Forward to MGC

☐ Warden Notified

☒ Forward to RGC

Date Forwarded to RGC/MGC : 02/25/2005

☐ Offender Signature Captured

Date Offender Signed :

Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE INFORMATION - RGC

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 11282	Grievance Date : 02/04/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Staff Issues	Incident Date : 02/04/2005	Incident Time : 12:00
IGC : Merson, Lise M	Housing Location : Bldg D-WEST, Tier C, Cell 12, Bottom	

RGC

Date Received : 02/25/2005

Date of Recommendation: 03/11/2005

GRIEVANCE COMMITTEE MEMBERS

Person Type	SBI #	Name	Vote
Inmate	00188380	IRWIN, RICHARD N	Deny
Inmate	00187042	BASS, DONALD F	Deny
Staff		Kramer, William	Deny
Staff		Beall, Wayne	Deny
Staff		Vargas, Rosalie	Abstain

VOTE COUNT

Uphold : 0

Deny : 4

Abstain : 1

TIE BREAKER

Person Type	SBI #	Name	Vote
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RECOMMENDATION

March 07, 2005

Deny: Razors are passed out twice a week. Note: inmate was disorderly during hearing.

GRIEVANCE INFORMATION - WARDEN

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 11282	Grievance Date : 02/04/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Staff Issues	Incident Date : 02/04/2005	Incident Time : 12:00
IGC : Merson, Lise M	Housing Location : Bldg D-WEST, Tier C, Cell 12, Bottom	

REFERRED TO

Due Date : Referred to: Name:

Type of Information Requested :

DECISION

Date Received : 03/11/2005

Decision Date : 10/17/2005

Vote : Deny

Comments : Denied. Inmates are issued razors pursuant to housing rules. By way of a copy of this grievance, I am directing that Major Holman ensure that razors are being issued and collected consistently as authorized in housing rules.

cc DCC IGC
Inmate
Major Holman

WARDEN / WARDEN'S DESIGNEE SIGNATURE

DATE

I WISH TO APPEAL THIS TO THE BUREAU GRIEVANCE OFFICER (B.G.O.)

YES: _____

NO: _____

GRIEVANT'S SIGNATURE

DATE

I.G.C. SIGNATURE

DATE

GRIEVANCE INFORMATION - Appeal

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 11282	Grievance Date : 02/04/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Staff Issues	Incident Date : 02/04/2005	Incident Time : 12:00
IGC : Merson, Lise M	Housing Location : Bldg D-WEST, Tier C, Cell 12, Bottom	

APPEAL REQUEST

Appeal due 10-23-2005. Appeal returned 10-23-3005.

Sir's/mam's as you can read this grievance ia about not only razers But the biger point officer's abuse of power The refusal of constitutional and civil Rights this is only one of many that do no adress the issue of abuse of power there are 24 witnesses to this abuse as other grivances The damage was done 240 days ago my appearance in court was descusting This was done to "Purposly" hurt me and others The damage is done you "denie" than say razors will be handed out yet do not address officers behaviour. The same hearing I said it was about time off Vargus said are you getting smart we can end this now I said OK that is all that was said I will not be abused by Officer Vargas along with others shows Cruptshon.

REMEDY REQUEST

GRIEVANCE INFORMATION - BGO

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 11282	Grievance Date : 02/04/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Staff Issues	Incident Date : 02/04/2005	Incident Time : 12:00
IGC : Merson, Lise M	Housing Location : Bldg D-WEST, Tier C, Cell 12, Bottom	

REFERRED TO

Due Date : Referred to: Name:

Type of Information Requested :

DECISION

Date Received : 10/24/2005

Decision Date : 10/24/2005

Vote : Deny

Comments :

I concur with the unanimous Resident Grievance Committee recommendation, which is further supported by the Warden's decision.

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE INFORMATION - Bureau Chief

OFFENDER GRIEVANCE INFORMATION

Offender Name : PEPPER, MONTY C	SBI# : 00156920	Institution : DCC
Grievance # : 11282	Grievance Date : 02/04/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Staff Issues	Incident Date : 02/04/2005	Incident Time : 12:00
IGC : Merson, Lise M	Housing Location : Bldg D-WEST, Tier C, Cell 12, Bottom	

DECISION

Decision Date: 12/19/2005 Vote : Deny

Comments :

State of Delaware)
) SS.
 County of New Castle)

Affidavit of: Monty Pepper
 Dated: Feb 13 2006

AFFIDAVIT

I, Monty Pepper, being first duly sworn deposes and says that the foregoing statement is a true and correct observation of what occurred on the above date herein at/in Law Library located in the Delaware Correctional Center, Smyrna, Delaware, in that I was a part of or witnessed the incident described herein. I would clearly state under penalty of perjury of the laws of the State of Delaware.

Del Code 118 43 22 (c) pertains to Procedure manuals not
 Housing rules

The plaintiff has attempted to have a copy of page 8 of housing rules for Maximum Security and was refused by Mr Johnson of The Law Library. Page 8 was concerned with property as in games other SHU inmates could have but not B tier neither could I have a copy of page 10 E dealing with legal calls, or page 22 E which describes conduct where "TV" and radios are to be played with headphones only, where TV are allowed to all other SHU inmates except B & D tiers of building 18. These are unequal and unfair.

Mr Johnson states that inmates are not allowed to have housing rules only in officers office or Law Library. Plaintiff there for ~~cannot~~ Affiant
 Can not produce a copy
 Can not copy Grievance Procedure 4.4

[Signature]
 Signature
Monty Pepper
 Print Name
 Delaware Correctional Center
 Smyrna, Delaware 19977

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

My Commission Expires:

 Notary Public

Certificate of Service

I, Monty Pepper, hereby certify that I have served a true

And correct cop(ies) of the attached: Plaintiffs Response To and Memorandum
in Response To Defendants motion To Dismiss upon the following
parties/person (s):

TO: Lisa Barchi

Deputy Attorney General
820N French Street 6th Floor
Wilmington Del 19801

TO: _____

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United
States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 14 day of February, 2006

